



June 26, 2017

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington DC 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278

Dear Ms. Dortch:

This *Ex Parte* Notice relates to a meeting on June 23, 2017 between me, Nicholas Degani and Zenji Nakazawa of Chairman Pai's staff, and Senya Merchant of Higher Ed, Not Debt. At this meeting, we discussed the status of the petition filed by All About the Message, LLC., regarding ringless voicemails.<sup>1</sup>

We briefly covered the legal issues involved with ringless voice, as outlined in our comments filed on May 18, 2017.<sup>2</sup> We also discussed the significant interference and intrusion that ringless voicemail poses to consumers, as exemplified by the almost 10,000 comments filed by consumers against this technology in this docket. The problems that will be caused if this technology is permitted to proceed unchecked is illustrated in the sampling of comments provided by some of these consumers included in the Appendix to this letter. This Appendix was presented at the meeting.

Additionally, we discussed the enforcement request that we have filed against Navient.<sup>3</sup>

If there are any questions, please contact Margot Saunders at the National Consumer Law Center (NCLC), [msaunders@nclc.org](mailto:msaunders@nclc.org) (202 452 6252, extension 104).

This disclosure is made pursuant to 47 C.F.R. § 1.1206.

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<sup>1</sup> All About the Message, LLC Petition for Declaratory Ruling, CG Docket No. 02-278 (filed Mar. 31, 2017).

<sup>2</sup> Available at [https://ecfsapi.fcc.gov/file/105180243621422/rvm-comments-opp%20\(1\).pdf](https://ecfsapi.fcc.gov/file/105180243621422/rvm-comments-opp%20(1).pdf).

<sup>3</sup> Available at <https://ecfsapi.fcc.gov/file/106121158414766/Enforcement-Request%20Filed.pdf>.

Thank you very much.

Sincerely,

/s/

Margot Saunders  
Senior Counsel  
National Consumer Law Center  
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Washington, D.C. 20036  
202 452 6252  
[msaunders@nclc.org](mailto:msaunders@nclc.org)  
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Attachments: 9 pages

cc. Sonya Merchant

## Ringless Voicemail Harms

### *Small Business Owners and Remote Workers*

As a small business owner allowing this change would have financial impact on my business [as a ]loss of productivity by having to sort out meaningless voice mail and [f]inancial impact resulting from additional unneeded data being sent increasing my data expenditure. Please do not allow this bad idea to go any further[.]

*Jason Norige (Kirkland, WA)*<sup>4</sup>

My voice messaging service is important to me for both my business and for my family security. I do not want companies or political parties filling my voice mail with robo calls which de facto prevent me from receiving timely calls from clients or family members. Such use would deny me the functional voice messaging system which I pay for.

*Nicole Marchant (Seattle, WA)*<sup>5</sup>

I . . . suffer lost work time due to CID spoofing and robocalls in my business environment. I depend on my cell phone for business and DO NOT want to wade through countless unsolicited voicemails to do my work.

*Chris Nelson (Jordan, MN)*<sup>6</sup>

**“My phone is, at times, my livelihood”** - allowing unsolicited advertisements to clog my voicemail and potentially prevent me from doing my job is unconscionable.

*Shawn Tetzlaff (Santa Ana, CA)*<sup>7</sup>

I do Not want any solicitors filling up my voice mail with UNSOLICITED messages. I use my phone for work purposes and have deep concern how this will impact my rapid response to clients.

*Lucia C Mercer (Harpers Ferry, WV)*<sup>8</sup>

I work at home and I cannot have my phone tied up or my v-mail cluttered with advertisers.

*Steve Farowich (Bellevue, WA)*<sup>9</sup>

I am limited to 20 voice mails in my in-box. . . . I work out of town and it is important that my family can contact me.

*Sally Stomberg (Twisp, WA)*<sup>10</sup>

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<sup>4</sup> <https://www.fcc.gov/ecfs/filing/1060604357295>

<sup>5</sup> <https://www.fcc.gov/ecfs/filing/1060690139423>

<sup>6</sup> <https://www.fcc.gov/ecfs/filing/10606879629371>

<sup>7</sup> <https://www.fcc.gov/ecfs/filing/10606656311342>

<sup>8</sup> <https://www.fcc.gov/ecfs/filing/10606000820433>

<sup>9</sup> <https://www.fcc.gov/ecfs/filing/10606601416133>

<sup>10</sup> <https://www.fcc.gov/ecfs/filing/10605157885885>

## *Doctors and Caregivers*

**“As the Director of a procedural area in a major Boston hospital, my personal voicemail is crucial”** to me to get information I need to help direct the care of patients that enter my department. Please do not create a situation where my personal voicemail can be filled up by spam that literally no one wants. By allowing this to happen, personal voicemail boxes will get filled to capacity (currently, cellular service providers cap the number of voicemail messages your voicemail inbox can hold), causing people to miss important personal and professional messages. Please do not allow yet another company to make money by harassing the American people; please work for us rather than corporate interests for a change!!

*Chris Mercurio (Watertown, MA)*<sup>11</sup>

**“As a mother and doctor, I need to be able to get to important voice mails, not sift through spam.”**

*Tracy Javaherian (Jordan, MN)*<sup>12</sup>

The repercussions can be very serious as in the case of healthcare providers. A full voicemail box will result in patients not being able to leave urgent messages to healthcare providers (or healthcare providers may not be able to leave urgent messages for patients).

*D. Lopez (Chicago, IL)*<sup>13</sup>

I am strongly opposed to ringless voicemail. This is a public safety issue when a company can inundate and essentially block others access to a person’s voicemail box. **“Our county uses Reverse 911”** to notify residents of forest fires, floods and other disasters. If voicemail boxes are full due to ringless voicemails, people will not get these emergency government messages and lives will be lost.

*Paul Strong (Steamboat Springs, CO)*<sup>14</sup>

Please do not allow ringless voicemail. I have been in healthcare for 21 years and rely on my phone for texts and voice mail when I am unable to answer the phone due to work. I have extremely important calls since I am usually on-call. Allowing ringless voicemail will obviously make me miss important calls or fill my mailbox up where no one can leave a message.

*Miguel Roberts (Las Vegas, NV)*<sup>15</sup>

I am a physician and spammers and telemarketers are . . . significantly affecting my practice and potentially endangering patients. I can no longer take for calls from numbers I do not recognize. I told my patients that they need to leave a voicemail. Should ringless voicemail from telemarketers be allowed it will make it much more difficult for me to be available for my patients. . . .

*Anonymous (Boxboro, MA)*<sup>16</sup>

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<sup>11</sup> <https://www.fcc.gov/ecfs/filing/10607301215866>

<sup>12</sup> <https://www.fcc.gov/ecfs/filing/1060323223345>

<sup>13</sup> <https://www.fcc.gov/ecfs/filing/1060613349374>

<sup>14</sup> <https://www.fcc.gov/ecfs/filing/10605178204139>

<sup>15</sup> <https://www.fcc.gov/ecfs/filing/10605026882804>

## ***Pay-As-You-Go and Low-Income Consumers***

Those of us who pay for our service . . . pay for data usage and minutes. . . . Do you realize what cell phone service is like in WV? It is little to none in most rural areas of WV. Our voicemail boxes would be full in no time, as we have to travel to have service to receive our messages and then to think an important message did not get through to us because of some useless telemarketer message is just ridiculous! Don't say we can depend on our landline service for important calls because that just isn't true. . . . DO NOT PASS "ringless voicemail".

*Mary Jane Ferrell*<sup>17</sup>

**"My phone - bought and paid for by me - exists for my convenience"**, and not to provide a portal into my life for unsolicited contacts of ANY nature.

*R Bowman*<sup>18</sup>

I'm on a limited cell phone plan that fits my budget and have to pay for minutes I use - including the minutes listening to voice mail messages. I would have to pay for these calls regardless of whether they ring.

*Deanna Wargowski*<sup>19</sup>

[T]here are the increased costs to consumer who exceed plan limits through no fault of their own. Will the direct-to-voicemail callers pay for extra storage for every consumer?

*D. Lopez*<sup>20</sup>

I strongly object to this change. I have a Pay-as-you-go phone and have to pay to access my voicemail. It is unconscionable for the FCC to consider making a change that will cost me money and prevent me from receiving important voicemails.

*Arien Laing*<sup>21</sup>

I choose not to answer any call I receive when I do not recognize the caller. 100% of the time the caller hangs up before the 4 ring tone to not be charged for the call. That is fine with me and why I choose not to answer these calls. If you allow these calls to go to voice mail that requires me to call and get my messages. **"Those calls cost me money."**

*Margaret Jaccoi*<sup>22</sup>

Filling our tiny (20 max thanks to Verizon) voicemail boxes would cause irreparable harm if I needed to get a personal or emergency message.

*Bert Forbes*<sup>23</sup>

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<sup>16</sup> <https://www.fcc.gov/ecfs/filing/10603120414849>

<sup>17</sup> <https://www.fcc.gov/ecfs/filing/10607136188818>

<sup>18</sup> <https://www.fcc.gov/ecfs/filing/106071914514070>

<sup>19</sup> <https://www.fcc.gov/ecfs/filing/1060769246219>

<sup>20</sup> <https://www.fcc.gov/ecfs/filing/1060613349374>

<sup>21</sup> <https://www.fcc.gov/ecfs/filing/1060879392891>

<sup>22</sup> <https://www.fcc.gov/ecfs/filing/10606082012705>

<sup>23</sup> <https://www.fcc.gov/ecfs/filing/10604005400895>

I have a pay as you go cellphone and ha[ve] begun to not be able to answer calls from unknown numbers due to spammers. This also means I might miss actual important phone calls such as something regarding my child's safety. My home phone number also gets a significant amount of calls that are also disruptive to our day and sleep (waking up an infant/toddler, sleep deprived parents).

*Kim Hayden*<sup>24</sup>

I have a "pay as you go" cell phone (Go Phone). I pay \$1.00/day and \$.20/call. I am charged for Voice mail calls, and another \$.20 to listen to the VM, so the first call of the day could cost me \$1.40, each additional will eat up my balance in a heartbeat! I carry this phone for emergencies and because of affordability. I SHOULD NOT HAVE TO PAY FOR UNSOLICITED CALLS!, I can't afford it either!

*Anonymous, 1306 Bostwick Lane*<sup>25</sup>

Unwanted and unsolicited ringless voicemails COST CONSUMERS MONEY AND TIME! If I get a voicemail notification, not knowing who it's from, I may leave a meeting or work to pick it up, thus wasting my time and maybe even my employer's. Additionally, I have to pay to pick up my voicemail...it uses up my airtime that either I or my employer paid.

*Elizabeth Meyer*<sup>26</sup>

I have a cell phone plan where I prepay for my minutes, so every voicemail message I get costs me a minute to listen to and delete. I often get unwanted pre-recorded messages from payday loan companies telling me that I qualify for a payday loan. . . I believe these scams are a way for cell phone companies to use up my minutes and force me to buy a more expensive plan with unlimited minutes.

*Bonnie Tokita*<sup>27</sup>

### **"I cannot get free voicemail."**

*Drew Anderson*<sup>28</sup>

I am totally against allowing companies to create voicemails. I own a Tracfone phone. I have to pay for every call to voice mail to retrieve messages. I can not see who the message is from before making the call. I have to pay to make the call, just to delete the message, even if I don't listen to it. I should not have to pay to retrieve and delete this "junk" mail.

*Angela Bissonette*<sup>29</sup>

In many cases, I must pay to listen to voice mail on my home phone or cell phone, particularly when I am out of the country.

*Clifford Hafen*<sup>30</sup>

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<sup>24</sup> <https://www.fcc.gov/ecfs/filing/10606142935932>

<sup>25</sup> <https://www.fcc.gov/ecfs/filing/1060615189189>

<sup>26</sup> <https://www.fcc.gov/ecfs/filing/10605282518386>

<sup>27</sup> <https://www.fcc.gov/ecfs/filing/106042963222344>

<sup>28</sup> <https://www.fcc.gov/ecfs/filing/106043098024678>

<sup>29</sup> <https://www.fcc.gov/ecfs/filing/10605246314646>

<sup>30</sup> <https://www.fcc.gov/ecfs/filing/10604130650418>

**“I am an older citizen and do not use my phone daily.”** To save money, am on a plan that requires paying \$2 daily when used and retrieving ringless voice mails requires a call and generates a \$2 fee.

*Ilene Richman*<sup>31</sup>

I am very upset at the prospect of businesses depositing voice Mail (VM) on my phone without my permission. I own my iPhone and pay for the AT&T service to allow me to connect to their network. I also pay \$2.99 per month for NoMoRobo to block unwanted calls from reaching my phone. This works reasonably well, blocking about 90% of the calls. I am on the DO NOT CALL list, but this does not seem to do any good. Why should I, a consumer, have to pay for a service to block calls that the government already says are not allowed? I have already turned off my home phone line, which became unusable after telemarketers constantly rang my phone all day. I have literally removed all the landline phones, even though I must still pay for the service as part of my Verizon bundle. To Summarize: Despite the DO NOT CALL list, the telemarketers have made my home phone unusable. Now businesses are asking the FCC for permission to do the same to my iPhone.

*Roy L. Eisenstadt*<sup>32</sup>

## ***Everyone***

**“Think of all the senior citizens”**, those somewhat hard of hearing, or live alone, or beginning dementia, like my friend who doesn't know better than to talk with them, and is lonely!

*Colleen Campbell*<sup>33</sup>

I feel that the ringless voicemail drops are more intrusive than phone calls because the companies are intentionally bypassing my defenses by not alerting me beforehand.

*Ashley Wong*<sup>34</sup>

My phone, voicemail, message are MY PROPERTY! To be used and available as I see fit! In all ways!

*David Horn*<sup>35</sup>

Consumers will be bombarded by . . . disruptions to carrier services due to the bogus carrier traffic.

*Linda Morris, on behalf of others*<sup>36</sup>

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<sup>31</sup> <https://www.fcc.gov/ecfs/filing/106041544923987>

<sup>32</sup> <https://www.fcc.gov/ecfs/filing/10604754306664>

<sup>33</sup> <https://www.fcc.gov/ecfs/filing/10607835804333>

<sup>34</sup> <https://www.fcc.gov/ecfs/filing/1060733969466>

<sup>35</sup> <https://www.fcc.gov/ecfs/filing/106062021421667>

<sup>36</sup> <https://www.fcc.gov/ecfs/filing/10606080997733>

[C]onsumers [will] hav[e] to listen to each [call] for 5 or 10 seconds as the message tries to disguise the true nature of the call: "Hey, I've got a problem here, and need some help . . ." Robocall or friend? It continues, "If you're like me and have a problem with erectile dysfunction . . ."

*Bruce Wilke*<sup>37</sup>

Someone may have something important or even a matter of life an[d] death, such as[,] in the case of a hospital, to tell me. . . . Especially people who have children will usually stop everything to hear a voicemail message to make sure there is nothing wrong with their children.

*Antonina Schlenker*<sup>38</sup>

I need to keep my vm open to my aged mother, hospitals, emergency contacts, etc.

*Constance Hughes*<sup>39</sup>

**"It also drains my battery"** when I have an unheard VM as my settings allow my phone to flash a light for legitimate missed calls.

*Anonymous*<sup>40</sup>

Only a select number of people have my cell number. They are the ones who get to leave me messages and only for certain important things.

*Emily Wiseman*<sup>41</sup>

Finally, **"vehicle drivers are already distracted by their phones"** and cause serious accidents. Do you want to increase the "need" to check messages while driving? The only answer is to vote "NO."

*B. Louis*<sup>42</sup>

I receive several of these a day and they block important voice messages from being received because of limits on my phone. They also result in additional bogus marketing calls which further invades my privacy and **"can result in identity theft"**.

*Jean Bryant*<sup>43</sup>

In the last week, my voicemail box has filled up with these annoying calls and I have to listen to at least the beginning of every single one in order to get to important messages from my doctor or my children.

*Mary Taylor*<sup>44</sup>

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<sup>37</sup> <https://www.fcc.gov/ecfs/filing/106061002114822>

<sup>38</sup> <https://www.fcc.gov/ecfs/filing/10606236007005>

<sup>39</sup> <https://www.fcc.gov/ecfs/filing/106050466706040>

<sup>40</sup> <https://www.fcc.gov/ecfs/filing/1060552910990>

<sup>41</sup> <https://www.fcc.gov/ecfs/filing/1060504281483>

<sup>42</sup> <https://www.fcc.gov/ecfs/filing/106062266308466>

<sup>43</sup> <https://www.fcc.gov/ecfs/filing/1060605269970>



I and my wife are totally opposed to ringless voice mail. **“As an elderly couple our phones are our lifelines”** to our children, grandchildren, doctors, etc. It is vitally important that our voicemail not be jammed up with junk. Please do not allow this.

*Donald R. Larson*<sup>45</sup>

If Republicans are pushing this, then **“I'm ashamed to call myself a Republican.”**

*Tim Pittman*<sup>46</sup>

My husband and I are in our 60s and no longer are purchasing many goods and services and I do not appreciate receiving telemarketer calls for things I have no use for.

*Nancy R. Willis*<sup>47</sup>

I frequently received messages concerning unwanted and in some cases unsuitable products. For example, gutter replacement when I live in a town home where the HOA takes care of the gutters. People wanting to help me refinance student loans which I never had.

*Jean Rick*<sup>48</sup>

If that happens, how will I ever see if my daughter needs a ride or my sister tells me something has happened to our elderly mom? My phone is deep in my purse unless it's being recharged, so I usually don't hear it ring!

*Martha M. Bergeron*<sup>49</sup>

When I receive these intrusive voicemails **“I worry I missed a call from one of my children”** and or my wife and I worry that they may be in need of help.

*Daniel Butler*<sup>50</sup>

What happens when left by roadside and can't reach help, what happens when a family is in hospital and family members can't be reached because mailbox is full?

*Marlene Tillery*<sup>51</sup>

Imagine if you had a child in school who had an emergency and you missed the voice mail because your voice mailbox was filled with junk messages. What if a spouse or other loved one was involved in a serious motor vehicle accident while on the road and you missed the voice mail from the police

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<sup>44</sup> <https://www.fcc.gov/ecfs/filing/1060550920428>

<sup>45</sup> <https://www.fcc.gov/ecfs/filing/10605283297952>

<sup>46</sup> <https://www.fcc.gov/ecfs/filing/10605563509140>

<sup>47</sup> <https://www.fcc.gov/ecfs/filing/106052435013515>

<sup>48</sup> <https://www.fcc.gov/ecfs/filing/10605001363415>

<sup>49</sup> <https://www.fcc.gov/ecfs/filing/1060541956175>

<sup>50</sup> <https://www.fcc.gov/ecfs/filing/106050998118100>

<sup>51</sup> <https://www.fcc.gov/ecfs/filing/10605552209716>

or other emergency personnel because your voice mailbox was filled with Junk messages. **“How awful!”**

*Anna McDonald*<sup>52</sup>

**“My mother is terminally ill.”** If I miss a voicemail because my box is full of telemarketing messages, I am going to be REALLY ANGRY and personally and emotions aggrieved.

*Barbara Brenkworth*<sup>53</sup>

Going through a voicemail box to determine which voice mails are relevant and important to me, takes up my valuable time - especially if I have to listen to several messages before getting to something that could potentially be an emergency.

*Anthony DelVecchio*<sup>54</sup>

Older adults are already inundated with robo-calls from tele-marketers & scam artists, but at least with a ring we can use caller ID to intercept and auto-reject unwanted callers.

*Melanie Wieland*<sup>55</sup>

[I]f the calls go directly to voicemail, I won't have a way to put myself on a do-not-call list. At least now, I usually get an option from the telemarketer to go on the do-not-call list.

*Joe Public*<sup>56</sup>

I am against allowing any ringless voicemails. Last year I had occasion to file a complaint with UPS & I requested a manager call me. The manager used ringless voicemail twice, thereby avoiding actually speaking to me to answer my question & concern. The message didn't leave a direct call back number.

*D. Trout*<sup>57</sup>

I am opposed to ringless voice mail. I carry my cell phone with me at all times and leave it on at night in case my family or friends have an emergency. Unfortunately, because of spotty reception, I get many messages through voicemail. I don't want to miss an important voicemail because I assumed it came from a telemarketer.

*Colter Cookson*<sup>58</sup>

If companies are simply given a free for all access to our voicemails, it would be extremely detrimental to the way our society works. Unlike email which people can simply scan through, voicemails have to be listened to one by one. Most people are already crunched with time with work, family, study

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<sup>52</sup> <https://www.fcc.gov/ecfs/filing/10605320318215>

<sup>53</sup> <https://www.fcc.gov/ecfs/filing/10605627320989>

<sup>54</sup> <https://www.fcc.gov/ecfs/filing/10607487327066>

<sup>55</sup> <https://www.fcc.gov/ecfs/filing/10605085201413>

<sup>56</sup> <https://www.fcc.gov/ecfs/filing/106042800606797>

<sup>57</sup> <https://www.fcc.gov/ecfs/filing/10604090523755>

<sup>58</sup> <https://www.fcc.gov/ecfs/filing/1060556472825>

and/or anything else going on in their lives. **“I can barely keep up with my voicemails as it is!”**

*Antonina Schlenker*<sup>59</sup>

If [advertisers] fill up my mail box, I will miss calls from my family, work, kids, and family emergencies. My parents are in a nursing home and I get calls from the nursing staff.

*Paul H. Silvis and others*<sup>60</sup>

[Ringless VM] will also use up bandwidth for users on metered connections.

*Kevin Holm*<sup>61</sup>

Being on a senior phone plan with limited minutes, I am STRONGLY against ringless voicemail robocalls.

*Charles M. Kittredge*<sup>62</sup>

As a recent family caregiver to seniors and the developmentally disadvantaged, I know how easy it is to scam people like that. **“There's enough fraud going on already.”** Don't make it any easier.

*J. Becky Brennef*<sup>63</sup>

When someone leaves me a voice mail it is generally a friend or family member who needs my attention as soon as possible, and to make me plow through numerous messages thinking one of them may be important or relevant is not right.

*Carolyn Ferry*<sup>64</sup>

**“As the former owner of a debt collection agency in Los Angeles, I see no valid reason why a debt collector would need to use such a system.”** A collector needs to make contact with a live debtor in order to properly discuss a debt and the leaving of voice-mail messages is not an effective tool for this purpose. Further, the FDCPA imposes many requirements on debt collectors regarding communications which would be potentially violated leaving the agency subject to lawsuits and complaints that would be damaging to the business and would likely subject them to complaints from clients and a damaging BBB rating which would be detrimental to marketing efforts to other clients. Overall, the idea of ringless voicemail is a bad idea all around. It certainly should not be given an exception for political purposes (as congress seems to have a tendency to do whenever any restrictions on communications are involved).

*Laurence Wilkinson*<sup>65</sup>

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<sup>59</sup> <https://www.fcc.gov/ecfs/filing/10606236007005>

<sup>60</sup> <https://www.fcc.gov/ecfs/filing/10604849728518>

<sup>61</sup> <https://www.fcc.gov/ecfs/filing/1060407332173>

<sup>62</sup> <https://www.fcc.gov/ecfs/filing/10603596315349>

<sup>63</sup> <https://www.fcc.gov/ecfs/filing/106030152600957>

<sup>64</sup> <https://www.fcc.gov/ecfs/filing/10607150759130>

<sup>65</sup> <https://www.fcc.gov/ecfs/filing/10604482410925>